

DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT

Caption in Compliance with D.N.J. LBR 9004-1(b)

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GROSS POLOWY LLC
Formed in the State of Delaware
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Attorneys for Creditor Fay Servicing, LLC as
servicing agent for Wilmington Savings Fund
Society, FSB, not in its individual capacity but
solely as Owner Trustee for the NRPL Trust
2019-3

In Re:

BRENDA GILBERT

Debtor(s).

Case No.: 20-20419-jks

Hearing Date: June 27, 2024

Judge: John K. Sherwood

Chapter: 13



Order Filed on August 5, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: August 5, 2024

A handwritten signature in black ink, appearing to read "J K Sherwood", written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: Fay Servicing, LLC as servicing agent for Wilmington Savings Fund Society,
FSB, not in its individual capacity but solely as Owner Trustee for the NRPL
Trust 2019-3

Applicant's Counsel: GROSS POLOWY LLC - Ashley M Pascuzzi, Esq. - 272502018

Debtor's Counsel: Russell L. Low, Esq.

Property Involved ("Collateral"): 156 Straight Street, Paterson, NJ 07501

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to Dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 2 months, from 06/01/2024 to 07/01/2024.

☒ The Debtor is overdue for 2 payments of \$2,178.54 per month, from 06/01/2024 to 07/01/2024.

☒ Applicant acknowledges suspense funds in the amount of \$281.18 received.

Total Arrearages Due \$4,075.90.

2. Debtor must cure all post-petition arrearages, as follows:

☒ The remaining balance of the regular monthly mortgage payment due 7/1/2024 to be made in the amount of \$1,897.36 on or before 7/31/2024.

☒ Beginning on August 1, 2024, regular monthly mortgage payments shall continue to be made in the amount of \$2,178.54.

☒ Beginning on 08/15/2024, additionally monthly cure payments shall be made in the amount of \$242.06 for 9 months.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Regular Monthly Payment

Fay Servicing LLC,
P O Box 814609,
Dallas, TX 75381

☒ Monthly Cure Payment

Fay Servicing LLC,
P O Box 814609,
Dallas, TX 75381

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within (30) day of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney's fees of \$200.00.

The Fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

In re:
Brenda Gilbert
Debtor

Case No. 20-20419-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Aug 06, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 08, 2024:

Recip ID	Recipient Name and Address
db	+ Brenda Gilbert, 156 Straight Street, Paterson, NJ 07501-1419

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 08, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 6, 2024 at the address(es) listed below:

Name	Email Address
Adam D. Greenberg	on behalf of Interested Party TLF REO LLC agreenberg@hgllclaw.com btemple@hgllclaw.com
Ashley Pascuzzi	on behalf of Creditor Fay Servicing LLC as servicing agent for Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Owner Trustee for the NRPL Trust 2019-3 ecfnofices@grosspolowy.com
Denise E. Carlon	on behalf of Creditor Wilmington Savings Fund Society FSB, as indenture trustee, for the NRPL Trust 2019-3 Mortgage-Backed Notes, Series 2019-3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR THE NRPL TRUST 2019-3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
John R. Morton, Jr.	on behalf of Creditor Santander Consumer USA Inc ecfmail@mortoncraig.com mortoncraigecef@gmail.com

District/off: 0312-2

User: admin

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Date Rcvd: Aug 06, 2024

Form ID: pdf903

Total Noticed: 1

Laura M. Egerman

on behalf of Creditor Wilmington Savings Fund Society FSB, as indenture trustee, for the NRPL Trust 2019-3 Mortgage-Backed Notes, Series 2019-3 laura.egerman@mccalla.com, mccallaecf@ecf.courtdrive.com

Marie-Ann Greenberg

magecf@magtrustee.com

Melissa N. Licker

on behalf of Creditor Wilmington Savings Fund Society FSB, as indenture trustee, for the NRPL Trust 2019-3 Mortgage-Backed Notes, Series 2019-3 mlicker@hillwallack.com, HWBKnewyork@ecf.courtdrive.com

Phillip Andrew Raymond

on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR THE NRPL TRUST 2019-3 phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com

Russell L. Low

on behalf of Debtor Brenda Gilbert ecf@lowbankruptcy.com ecf@lowbankruptcy.com;r57808@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11